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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1707 OF 2002

Dr.Dinesh Trivedi ... Appellant
versus
The Municipal Corporation
of Greater Bombay ... Respondent

Mr.Anil Singh i/by D.R.Shah for appellant.

Mr.J.J.Xavier i/by M.P.Patil for respondent.

CORAM : A.S.OKA, J.

DATE : 26th February 2007

PC :

1. Heard learned advocate for the appellant and learned advocate for the respondent. The learned Advocate for the appellant has placed on record an affidavit-cum-undertaking filed by the appellant. In the said affidavit an undertaking of the appellant is recorded that he will apply for regularisation of the of the suit structure within a period of eight weeks. The appellant has sought permission to withdraw the First Appeal unconditionally.

2. The affidavit is taken on record and marked

"X" for identification. In view of the said undertaking, following order is passed.

3. ORDER :-

a) The appeal is dismissed as withdrawn with no order as to costs;

b) If an application for regularisation of the suit structure is made by the appellant within a period of eight weeks from today to the appropriate authority of respondent Corporation, the same shall be decided by the respondent Corporation within a period of eight weeks from the date of receipt of the application;

c) In the event application for regularisation is made within the stipulated period of eight weeks from today, the parties will maintain status-quo as of today in respect of the suit structure for a period of six months from today;

d) If application for regularisation is not made within the stipulated period, this protection will not apply and on expiry of the period of eight weeks from today, the respondent Corporation will be free to proceed to demolish

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the suit structure;

e) The order passed on application for regularisation shall be communicated by the respondent Corporation to the appellant within a period of one week from the date of decision;

f) The application for regularisation, if made, within the stipulated period, will be decided on its own merits.

All concerned to act on an ordinary copy of this order duly authenticated by the Registry of Bombay High Court.

(A.S.OKA, J.)